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CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ARMANDO CASAREZ-GONZALEZ,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-75085

Agency No. A92-711-026

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted January 9, 2006^{**}

Before: HUG, O'SCANNLAIN, and SILVERMAN, Circuit Judges.

Armando Casarez-Gonzalez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' summary affirmance without opinion of an immigration judge's ("IJ") removal order. We have jurisdiction pursuant to 8

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

U.S.C. § 1252, *Parrilla v. Gonzales*, 414 F.3d 1038, 1040 (9th Cir. 2005), and deny the petition for review.

Reviewing de novo, *Altamirano v. Gonzales*, 427 F.3d 586, 591 (9th Cir. 2005), we conclude that the IJ properly determined that Casarez-Gonzalez’s felony conviction pursuant to California Penal Code § 261.5(d) for unlawful sexual intercourse with a minor who was under 16 years of age is a conviction for “sexual abuse of a minor.” Applying the categorical approach required by *Taylor v. United States*, 495 U.S. 575, 600 (1990), it is clear that § 261.5(d) punishes conduct that “indisputably falls within the common, everyday meanings of the words ‘sexual’ and ‘minor.’ Moreover, . . . [t]he use of young children for the gratification of sexual desires constitutes an abuse.” *United States v. Baron-Medina*, 187 F.3d 1144, 1147 (9th Cir. 1999). Accordingly, Casarez-Gonzalez is removable as an aggravated felon. *See* 8 U.S.C. §§ 1101(a)(43)(A), 1227(a)(2)(A)(iii).

PETITION FOR REVIEW DENIED.